## UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

BRIAN CUMMINGS,	)
Plaintiff,	)
v.	) Case No. 3:22-cv-00301
BRETTON KEEFER, on behalf of the deceased CHESTA SHOEMAKER, AFSOON HAGH, and JEANNE BURTON, Trustee on behalf of CUMMINGS MANOOKIAN, PLC,	<ul> <li>Chief Judge Waverly D. Crenshaw, Jr.</li> <li>Magistrate Judge Alistair E. Newbern</li> </ul>
Defendants.	)

## DECLARATION OF ELIZABETH S. TIPPING IN SUPPORT OF MOTION FOR ENTRY OF DEFAULT AGAINST DEFENDANT BRETTON KEEFER

- I, Elizabeth S. Tipping, declare under penalty of perjury that the following facts are true and correct to the best of my information and belief:
  - 1. I am counsel of record for the above-named Plaintiff, Brian Cummings.
- 2. On November 1, 2022, Defendant Bretton Keefer was personally served with a copy of the Summons and Amended Complaint by private process server Roger Clemons, and proof of service was filed with this Court on November 4, 2022. (Doc. No. 41.)
- 3. Since service on November 1, 2022, more than 21 days have elapsed and Defendant Keefer has failed to file a responsive pleading or otherwise defend Plaintiff's Amended Complaint.
- 4. Defendant Keefer is not a minor, and, to the best of my information and belief, Defendant Keefer is not incompetent.

5. Defendant Keefer is not in the military service, as evidenced by the certificate issued by the Department of Defense Manpower Data Center on February 7, 2023, which is attached hereto as Exhibit 1.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on february 10, 2023.

Elizabeth S. Tipping

Respectfully Submitted,

## COUNTERPOINT LEGAL, PLC

By: /s/ Elizabeth S. Tipping
Elizabeth S. Tipping, No. 023066
Kristen M. Shields, No. 036438

2689 Union Hill Road Joelton, TN 37080 (615) 426-5566 liz@counterpointlaw.com kristen@counterpointlaw.com Attorneys for Plaintiff

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served on this the 10th day of February, 2023, via the Court's electronic filing system on the following:

Phillip G. Young, Jr.
Thompson Burton PLLC
1801 West End Avenue, Suite 1550
Nashville, TN 37203
phillip@thompsonburton.com

and via United States First Class mail, postage prepaid on the following:

Bretton Keefer 5554 Pumpkintown Lane Lafayette, TN 37083

Afsoon Hagh Hagh Law PLC 226 Pelham Drive Brentwood, TN 37027-4237

/s/ Elizabeth S. Tipping